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### NOTES OF CASES.

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**An Unmarried Woman Determined.**—Who is an unmarried woman? This is the pivotal question in *People v. Weinstock*, 140 New York Supplement, 453, a seduction case, in which under the statute defining the crime it devolved upon the state to show that prosecutrix was unmarried. The facts are: The prosecutrix was married in 1901 in New York, where she lived with her husband for a period of one year. Soon thereafter he deserted her, and ever since his whereabouts have been unknown. She has never heard from him or about him and does not know whether he be living or dead, but she testified that she had heard he went away with another woman. In 1911 she charged defendant in the above action with seduction under the Penal Law protecting "unmarried" women, etc. The city magistrate's court of New York City holds that an "unmarried" female is not necessarily one never married, but includes widows and divorced women, especially in view of the use of the comprehensive word "female," which includes all unmarried women, whether spinsters, widows, or divorcees. The next question which presents itself then is, Is she a widow under the rule by which disappearance gives rise to a presumption of death? The court answers that the common-law presumption of death after a lapse of years is not sufficient in a criminal prosecution, and no conviction for crime should be had on mere suspicion or on a presumption of the existence of the fact for which there is no basis. Mere disappearance does not give rise to the presumption of death, and where, as in this case, the husband of the prosecutrix left supposedly with another woman, it can hardly be expected that he would make his whereabouts known to any one. The complaint is dismissed, and defendant ordered discharged.

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**A Turkey as an Animal.**—Is a turkey an animal? In *Holcomb v. Van Zyl*, 140 Northwestern Reporter, 521, defendant's dog "raised havoc" with plaintiff's turkeys, and the damage which resulted is sought to be recovered under a statute of Michigan providing that if any dog kills, wounds, or worries any sheep, etc., "or other domestic animal," its owner shall be liable in double the amount of damages sustained. As turkeys are not specifically named in the statute, to be embraced within its terms the authority for such a construction can only lie in the words "or other domestic animal." The Supreme Court of Michigan holds that an animal is properly defined as any animate being which is not human, endowed with the power of bodily motion, and that this definition is sufficiently comprehensive to include turkeys or other fowls. The opinion in this case is by Judge Bird. Very appropriate, surely.